

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

KEVIN BRIGGS,

Plaintiff,

vs.

GALLATIN COUNTY SHERIFF  
OFFICE AND GALLATIN COUNTY  
DETENTION CENTER; BRIAN  
GOOTKIN, Sheriff, in his official  
capacity; LIEUTENANT JASON  
JARRETT, as an individual and in his  
official capacity as jail administrator;  
SERGEANT NICHOLAS WALISOR,  
as an individual and in his official  
capacity as detention officer;  
CORPORAL DAVID LAUCHNOR,  
as an individual and in his official  
capacity as detention officer; JOHN  
DOES 1-8, as individuals and in their  
official capacities as detention officers,

Defendants.

CV 18-10-BU-BMM-JCL

ORDER

Plaintiff Kevin Briggs filed his Complaint in this case on February 1, 2018. On February 14, 2018, the Court issued an order scheduling a preliminary pretrial conference for May 15, 2018, and directing the parties to file their joint discovery plan, statement of stipulated facts, and preliminary pretrial statements by May 8, 2018. (Doc. 4). As of the date of this Order, no joint discovery plan, statement of

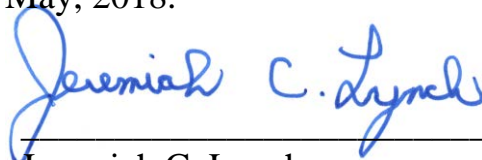
stipulated facts, or preliminary pretrial statements have been filed, and Plaintiff has not served his Complaint on any of the named Defendants.

Federal Rule of Civil Procedure 4(m) requires service of the complaint and summons within 90 days “after the complaint is filed.” That deadline has passed. Unless a plaintiff “shows good cause” for failing to timely serve a complaint on a defendant, “the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specific time.” Fed. R. Civ. P. 4(m). Because the 90-day deadline for service has passed, and no joint discovery plan, statement of stipulated facts, or preliminary pretrial statements have been filed,

IT IS ORDERED that the May 15, 2018, preliminary pretrial conference is VACATED.

IT IS FURTHER ORDERED that on or before May 25, 2018, Plaintiff shall show good cause for failing to timely serve his complaint on Defendants. Plaintiff is advised that if he fails to show good cause, this case will be dismissed without prejudice under Rule 4(m).

DATED this 10<sup>th</sup> day of May, 2018.



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Jeremiah C. Lynch  
United States Magistrate Judge